

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:07-CR-06

v.

HON. ROBERT HOLMES BELL

DIMITRI BROWN,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #492). The U.S. Probation Officer's Report of Eligibility (docket #494) indicates defendant appeared to be ineligible because cocaine base was not used to determine the base offense level.

Based on a review of defendant's motion and the underlying criminal file, the Court has determined that the motion should be denied for the reason that defendant's offense level calculation involved powder cocaine and not cocaine base. Accordingly,

IT IS HEREBY ORDERED that the Motion for Modification or Reduction of Sentence is **DENIED** because defendant is not eligible.

DATED: October 14, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE